

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF THE PAVERS AND
ROAD BUILDERS DISTRICT COUNCIL
WELFARE, PENSION, ANNUITY AND
APPRENTICESHIP, SKILL
IMPROVEMENT AND SAFETY FUNDS
and THE HIGHWAY, ROAD, AND
STREET CONSTRUCTION LABORERS
LOCAL UNION 1010,

MEMORANDUM AND ORDER

15-CV-2481 (FB) (RML)

Plaintiffs,

-against-

ARBOR CONCRETE CORP.,

Defendant.

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Appearances:

For the Plaintiffs:

NICOLE MARIMON
MICHAEL HOWARD ISAAC
Virginia & Ambinder, LLP
40 Broad Street
New York, NY 10004

BLOCK, Senior District Judge:

On December 15, 2015, Magistrate Judge Robert M. Levy issued a Report and Recommendation (“R&R”) recommending that a default judgment be entered against Arbor Concrete Corp., and that Plaintiffs be awarded \$37,204.06 in damages, fees, and costs, plus interest on the award of unpaid contribution and liquidated damages in an amount equal to that interest. The R&R further provided that failure to object

within fourteen days would preclude appellate review. To date, no objections have been filed.

If clear notice has been given of the consequences of the failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure to timely object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will excuse a failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000). No such error appears here. Accordingly, the Court adopts the R&R without *de novo* review and directs the Clerk of the Court to enter judgment in accordance with the R&R.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
January 5, 2016